

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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THOMAS E. GIRON,

Plaintiff,

v.

ELIZABETH GONZALEZ et al.,

Defendants.

Case No. 2:15-cv-00858-MMD-GWF

ORDER

I. DISCUSSION

Plaintiff, a *pro se* prisoner, previously filed an application to proceed *in forma pauperis* and submitted a civil rights complaint pursuant to 42 U.S.C. § 1983. (Dkt. no. 1, 1-1.) This Court denied as moot the application to proceed *in forma pauperis* because it was incomplete and granted Plaintiff leave to file a new application. (Dkt. no. 2 at 1-2.)

Plaintiff now files a motion for voluntary dismissal. (Dkt. no. 5.) Pursuant to Federal Rule of Civil Procedure 41(a)(1), a plaintiff may dismiss an action without a court order by filing “a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment.” Fed. R. Civ. P. 41(a)(1)(A)(i). The Court grants Plaintiff’s motion to voluntarily dismiss this action because no responsive pleading has been filed in this case. As such, the Court dismisses this action without prejudice.

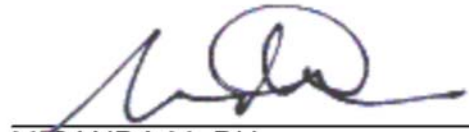
II. CONCLUSION

For the foregoing reasons, it is ordered that the motion for voluntary dismissal (dkt. no. 5) is granted.

It is further ordered that this action is dismissed in its entirety without prejudice.

1 It is further ordered that the Clerk of the Court shall enter judgment accordingly.

2 DATED THIS 25th day of June 2015.

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5 MIRANDA M. DU
6 UNITED STATES DISTRICT JUDGE
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